

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Dana M. Fowlkes et al.

Application No.: 10/600,003

Confirmation No.: 6034

Filed: June 18, 2003

Art Unit: 1649

For: YEAST CELLS ENGINEERED TO PRODUCE  
PHERMONE SYSTEM PROTEIN  
SURROGATES, AND USES THEREFOR

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Examiner: Olga N Chernyshev

**RESPONSE TO NOTICE UNDER 37 CFR §§1.821-825**

MS Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:


In response to the Notice to Under 37 CFR §§1.821-1.825 – Filing Date Granted  
mailed October 6, 2008, Applicant respectfully submits the following:

- (1) Written copy of the sequence listing for electronic filing in compliance with 37 CFR 1.821(c);
- (2) Computer readable form (CRF) of the Sequence listing;
- (3) Statement to Support Filing and Submission in Accordance with 37 CFR §§ 1.821-1.825 indicating that the content of the written copy and the CRF is identical;
- (4) Preliminary Amendment directing insertion of the sequence listing into the specification; and
- (5) Part 2 Copy of Notice; and
- (6) Petition for Extension of Time

The Director is hereby authorized to charge \$130.00 to Deposit Account No. 04-1105, under Order No. 60638CON3(50370) in addition to any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm).

Dated: November 14, 2008

Respectfully submitted,

By   
Melissa Hunter-Ensor, Ph.D.  
Registration No.: 55,289  
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Attorneys/Agents For Applicant



# UNITED STATES PATENT AND TRADEMARK OFFICE

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| APPLICATION NO.                   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------------------------|-------------|----------------------|---------------------|------------------|
| 10/600,003                        | 06/18/2003  | Dana M. Fowlkes      | 50370-60638cip2     | 6034             |
| 21874                             | 7590        | 10/06/2008           | EXAMINER            |                  |
| EDWARDS ANGELL PALMER & DODGE LLP |             |                      | CHERNYSHEV, OLGA N  |                  |
| P.O. BOX 55874                    |             |                      | ART UNIT            | PAPER NUMBER     |
| BOSTON, MA 02205                  |             |                      | 1649                |                  |
|                                   |             |                      | MAIL DATE           | DELIVERY MODE    |
|                                   |             |                      | 10/06/2008          | PAPER            |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

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| APPLICATION NO./<br>CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR /<br>PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---|---------------------|
| 10600003                        | 6/18/03     | FOWLKES ET AL.                                    | 50370-60638cip2     |

EDWARDS ANGELL PALMER & DODGE LLP  
P.O. BOX 55874  
BOSTON, MA 02205

**EXAMINER**

Olga N.. Chernyshev

| ART UNIT | PAPER    |
|----------|----------|
| 1649     | 20080930 |

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821 (a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. § 1.821 through 1.825. Firstly, sequence listing filed on June 18, 2003 contains 133 sequences; however, the CRF record according to STIC identifies only 119 sequences. Thus, the content of the paper copy of the sequence listing does not match the content of the computer readable submission.

Secondly, no sequence identification has been provided for the amino acid and nucleic acid sequences presented in Figure 11 and pages 23, 94, 95, 123-126 of the instant specification. In case these sequences are new, Applicant needs to provide a substitute computer readable form (CRF) copy of a "Sequence Listing" which includes all of the sequences that are present in the instant application and encompassed by these rules, a substitute paper copy of that "Sequence Listing", an amendment directing the entry of that paper copy into the specification, and a statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. § 1.821 (e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d). The instant specification will also need to be amended so that it complies with 37 C.F.R. § 1.821(d) which requires a reference to a particular sequence identifier (SEQ ID NO: ) be made in the specification and claims wherever a reference is made to that sequence. See M.P.E.P. 2422.04.

Applicant is advised to review the entire text of the instant specification for proper identification of all the sequences recited therein. Applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to submit an amendment in compliance with 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olga N. Chernyshev whose telephone number is (571) 272-0870. The examiner can normally be reached on 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey J. Stucker can be reached on (571) 272-0911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Olga N. Chernyshev, Ph.D./  
Primary Examiner, Art Unit 1649

PTO-90C (Rev.04-03)